

MONTANA LEGISLATIVE HISTORY

Chapter 311 19 69

Bill H 437 S _____ Original bill & history C

H. Committee on Highways

Hearing Date(s) Jan 30 _____ C

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Date Out _____ C

S. Committee on Highways

Hearing Date(s) Feb 21 ✓ C

Feb 24 ✓ C

Feb 26 ✓ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

January 30, 1969

The Committee on Highways convened at 10:30 A.M. in Room 436, with Vice-Chairman Feisthamel presiding. 15 members were present.

The Vice-Chairman advised that H.B. 493 would be first for consideration. He called on Representative Carl Smith, sponsor of the bill.

Rep. Smith said he felt we should have had this law many years ago, and that they are asking the Highway Commission to take care of weeds along the road. He cited the road from Broadus to Billings saying the borrow pits are lined with Canadian Thistle and other noxious weeds. He stated in the eastern part of the state they have no Weed Control Board set up to take care of this problem.

The Vice-Chairman asked if there were any more proponents. There were none. He then asked for opponents.

Mr. Don Smail, representing the Highway Department, spoke in opposition to the bill. He said the Highway Department was trying to do a good job in this respect. However, it seemed that this had been put in the hands of the County Weed Control Boards and that they do the spraying and send the bill to the Highway Commission. He felt it was a little out of line to send the bill to the Commission as they were not responsible for county roads.

Mr. Smith said that it was not their intention that the Commission would have to take care of county roads.

After more discussion Mr. Egan asked Mr. Don McPherson, Attorney for the Highway Commission, for his interpretation of the bill. Mr. McPherson said he thought the bill was in order in its present form. It puts the responsibility on the State to control the weeds. He said the Highway Department was making every effort to control the weeds, but that they do run into trouble at times as people owning the land close to the highway will not permit spraying because of the danger to their crops.

More discussion followed and Representative Smith was excused.

The Vice-Chairman advised that H.B. 437 was next to be considered. He asked if there were any proponents.

Pat Williams, representative from Silver Bow County, sponsor of the bill spoke. He explained this bill would require the Highway Department to fence the highways running through open range areas where livestock has been a hazard. He quoted from a research made by the Highway Department saying that since the last session there had been 698 collisions between cattle and cars and they estimate the cost at \$1,000 a vehicle in each case. The Highway Department says there are five times as many accidents in open range areas as in any other area.

Mr. McPherson, Attorney for the Highway Commission, stated that the Highway Commission feels they have a responsibility to fence these areas. He said there were some spots right close to Helena where they have put temporary fences and that they consider it a very serious problem. He said they felt this bill was highly meritorious and strongly supported its passage.

Terry Bass, Montana Highway Safety Director, stated that in Montana we have 16 cows per square mile as compared to 4 people per square mile. They look at this problem very seriously. He said it was also an economic problem and that they have to look at the whole picture to see if fencing would cut down on the accidents.

January 30, 1969

Page 2.

Don Smail, Highway Department, stated that in the forest lands in the western part of the State and around Great Falls they do not have a big problem. They try to determine the areas that need fencing the most. He said it is very expensive to do, so they must determine the areas where it is most badly needed.

Representative Zimmer appeared in support of the bill. He said he was from the western part of the State where there are forest lands. The State leases the land to stockmen for grazing purposes and naturally the cattle wander and there have been many fatalities. He said on a black night, a black car and a black cow, the motorist just doesn't have a chance. He urged passage of the bill.

Mr. Smail said that if this became law they could get federal-aid help, but if they do it on their own they must pay for it themselves. He said the traveling motorist is at the mercy of the ranchers owning cattle.

There being no more questions, the witnesses were excused.

H.J.R. 28 was next to be considered. Representative Bardanoue, sponsor, spoke in support of the resolution. He said the resolution asked that a weigh station be placed on Highway 191, near Fred Robinson Bridge. He explained that this connected north central Montana through the southern part of Montana. He said it was a main artery from central Montana. Almost completely new highway from Harlem to Billings. He said it opened up new commerce but also problems. He stated there was much rustling of cattle, hay and grain in this area. Also overloaded equipment doing serious damage to the new highway. He said a weigh station at this point would eliminate serious damage to the highway, would reduce the loss of grain, and would help to prevent people from using this highway at night to rustle cattle.

There followed a question and answer period and the witness was excused.

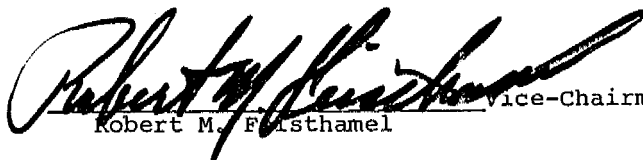
The committee was called to order to consider H.B. 493. Mr. Smith moved H.B. 493 "Do Pass." A discussion followed. The motion was seconded and the vote was unanimous.

Next for consideration was H.B. 437.

Mr. Spahr moved the bill "Do Pass." A discussion followed and Mr. Aubert seconded the motion. The vote Do Pass was unanimous.

H.J.R. 28. After discussion by the committee, Mr. Smith moved H.J.R. 28 "Do Not Pass." Upon being put to a vote, the motion passed by a majority vote.

There being no further business to come before the meeting, upon motion made and seconded, it was adjourned.


Robert M. Firsthamel Vice-Chairman

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move cattle several times a year, and that at the present time there is no passage available to him except the highway for a two-mile stretch. This testimony was supported by Mr. Manry whose property parallels the particular section of highway under discussion.

CONSIDERATION OF HOUSE BILL 489: Repealing an 8 percent limitation on certain highway costs in the engineering area.

Riley Johnson, Highway Department, testified that the present structure does not allow funding for the engineering areas outside top administrative personnel.

CONSIDERATION OF HOUSE BILL 437: Fencing certain range areas bordering highways.

Mr. Don Douglas, Highway Attorney, spoke for Mr. Alley who was unable to attend. Mr. Douglas said that there is an endorsement to the legislation allowing for certain stock crossings, as well as the normal grade crossing.

CONSIDERATION OF HOUSE BILL 331 AND 332: Interrelated bills which deal with special licenses on National Guard and amateur radio operators automobiles.

Mr. Ellsworth explained the legislation and said that some individuals are taking advantage of this by not purchasing ordinary plates which are supposed to be beneath the special license. General Womack, Montana National Guard, supported the testimony.

Following the presentation, the witnesses were excused.

DISPOSITION OF BILLS:

House Bill No. 331: Senator McGowan made a motion that HB-331 be NOT CONCURRED IN. Seconded by Senator Dzivi. Motion carried.

House Bill No. 332: Senator Broeder made a motion that HB-332 be NOT CONCURRED IN. Seconded by Senator Moritz. Motion carried.

Senate Resolution No. 13: Senator Dzivi made a motion that SR-13 BE ADOPTED. Seconded by Senator Selstad. Motion carried.

House Bill No. 82: Senator Hazelbaker made a motion that HB-82 BE CONCURRED IN. Seconded by Senator Graham. Motion carried.

Following the testimony the witness was excused.

DISPOSITION OF BILLS:

House Bill No. 372: Senator Hazelbaker made a motion that HB 372 BE CONCURRED IN. Seconded by Senator Rehberg. Motion carried

House Bill No. 344: Senator Sheehy made a motion that HB 344 be amended as per the committee report. Seconded by Senator Hazelbaker. Motion carried. Senator Sheehy then made a motion that HB 344 AS AMENDED BE CONCURRED IN. Seconded by Senator Moritz. Motion carried.

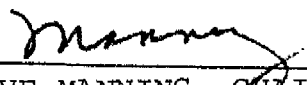
House Bill No. 488: Senator Rehberg made a motion that HB 488 BE NOT CONCURRED IN. Seconded by Senator McGowan. Motion carried.

House Bill No. 437: Senator McGowan made a motion that HB 437 BE NOT CONCURRED IN. Seconded by Senator Selstad. Motion carried.

House Bill No. 280: Senator Rehberg made a motion that HB 280 BE CONCURRED IN. Seconded by Senator Selstad. Motion carried.

SENATE RESOLUTION; Senator Hazelbaker made a motion that the Senate Resolution prepared by the subcommittee which will establish a Highway Interim Committee to study automobile safety and inspection programs be introduced. Seconded by Senator McGowan. Motion carried.

ADJOURN: There being no further business, the meeting was adjourned.


SENATOR DAVE MANNING, CHAIRMAN

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 26, 1969

Chairman Manning called a special meeting of the Highways and Transportation Committee to order on February 26, 1969 at 9:30 a.m. in Room 410 of the State Capitol Building.

Appearing to testify on House Bill No. 437, which was re-referred to the Committee, were Representative Pat Williams from Silver Bow County and sponsor of the bill, and Mr. J. Riley Johnson, Montana Highway Department.

RECONSIDERATION OF HOUSE BILL NO. 437: To allow Highway Department fencing of open range areas where deemed necessary and prudent.

Representative Williams said that there are many accidents that can be directly traced to livestock on state highways and provided statistics to support this contention.

Riley Johnson testified that the problem is sufficient to cause a major hazard to highway users and that the highway department has already fenced some particularly dangerous areas. The bill could be funded with Federal matching funds.

The Committee discussed proposed amendments dealing with access crossings for stockgrowers being a gate versus a stock pass (over or under the highway) and this would be decided on a justification basis. After due consideration, Senator Sheehy moved that HB-437 BE AMENDED as per Committee Report. Seconded by Senator McGowan. Motion carried. Senator Sheehy then made a motion that HB-437 BE CONCURRED IN AS AMENDED. Seconded by Senator Moritz. Motion carried.

ADJOURN: There being no further business, the meeting was adjourned.



SENATOR DAVE MANNING, CHM.

his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part."

Approved: March 11, 1969.

CHAPTER NO. 310

An Act to Repeal Sections 38-601, 38-602, 38-603, 38-604, 38-605, 38-606, 38-607, and 38-608, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. Sections 38-601, 38-602, 38-603, 38-604, 38-605, 38-606, 38-607, and 38-608, R.C.M. 1947, are hereby repealed.

Effective immediately.

Section 2. This act shall be effective upon passage and approval.

Approved: March 11, 1969.

CHAPTER NO. 311

An Act Requiring the Highway Commission to Fence Highways That Run Through Open Range Where Livestock Present a Safety Hazard to the Motorist; Defining Open Range for the Purpose of This Act; and Authorizing the Highway Commission to Determine Where in Open Range Areas There is a Sufficient Safety Hazard From Livestock to Warrant Fencing.

Be it enacted by the Legislative Assembly of the State of Montana:

Highway commission to fence highways where livestock create hazard.

Section 1. (1) The highway commission shall fence the right-of-way of any part of the state highway system that is constructed and/or reconstructed, after the effective date of this act, through open range where livestock present a hazard to the safety of the motorist where a fence is constructed, adequate stock gates or stock passes, as necessary, shall be provided to make land on either side of the highway usable for livestock purposes.

(2) For the purpose of this act the term "open range" means all private and public lands in the state of Montana not enclosed by a fence of not less than four (4) wires in good repair but does not include herd districts as created and defined by section 46-1501, R.C.M. 1947.

Section 2. The highway commission shall designate the open range areas where livestock present a sufficient safety hazard to the motorist to warrant fencing by the highway commission.

Open range areas.

Approved: March 11, 1969.

CHAPTER NO. 312

An Act to Provide for Maintenance of State Fire Marshal's Office; and Amending Section 82-1231, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 82-1231, R.C.M. 1947, is amended to read as follows:

Amending clause.

"82-1231. Tax on fire insurance premiums for maintenance of state fire marshal's office. Each insurer authorized to effect insurance on risks enumerated in subsection two of section 11-1919, doing business in this state shall pay to the state auditor and commissioner of insurance ex officio, during the month of February or March in each year, in addition to the taxes on premiums required by law to be paid by it, a tax of *one-half* of one per cent (1/2 of 1%) on the fire portion of the direct premiums on such risks received during the calendar year next preceding, after deducting cancellations and return premiums."

Tax on fire insurance premiums—fire marshal's office.

Approved: March 11, 1969.

CHAPTER NO. 313

An Act Providing for the Financial Administration of Interlocal Cooperative Agreements Under the Provision of Chapter 49, Title 16, R.C.M. 1947, That Involve School Districts.